

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BUILDING TRADES UNITED PENSION TRUST FUND,
NACARCI FEASTER,
MASONS LOCAL 8 HEALTH FUND
and FRED HULTQUIST,

Plaintiffs,
v.
Case No. 08-CV-1073

MORTL SEALANTS & RESTORATION, LLC,
Defendant.

ORDER FOR INJUNCTIVE RELIEF

Motions for default judgment brought by the Plaintiffs in the above-captioned action were submitted to the Court and subsequently filed with the Clerk.

The Court, having duly heard all issues and a decision having been duly rendered, **ORDERS** as follows:

1. Defendant Mortl Sealants & Restoration, LLC has failed to plead or otherwise defend as provided by Rule 55(a) of the Federal Rules of Civil Procedure.
2. Defendant Mortl Sealants & Restoration, LLC violated the Labor Management Relations Act of 1947, as amended, as well as the Employee Retirement Income Security Act of 1974, as amended, and the effective collective bargaining agreement by failing to pay fringe benefit contributions on behalf of its employees to the Plaintiff Funds and by failing to submit to an audit of the company's

books and records by the Plaintiff Funds' designated representative covering the period of March 1, 2006 to the present date.

Plaintiffs must conduct an audit of Defendant's payroll records to liquidate their claims and proceeds to judgment.

IT IS HEREBY ORDERED that:

(a) The Mortl Sealants & Restoration, LLC shall submit within ten (10) days of the date of this Order to an audit of the company's books and records by the Plaintiff Funds' designated representative covering the period of March 1, 2006, to the present date; and

(b) The results of said audit shall be submitted to the court within ten (10) days of the completion of the audit, and the Clerk of Court shall enter the judgment in favor of the Plaintiff Funds to include all contributions, interest and liquidated damages due the Plaintiff Funds as reported by the auditor, along with Plaintiffs' costs and attorney fees.

Dated at Milwaukee, Wisconsin, this 30th day of June, 2009.

BY THE COURT:



J.P. Stadtmauer
U.S. District Judge